

**THE LAW OFFICE OF
JOHN A. FIALCOWITZ, LLC**

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Local Counsel for Official Committee of Asbestos Claimants

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:
DURO DYNE NATIONAL CORP., *et al.*¹
Debtors.

Chapter 11

Case No. 18-27963 MBK
(jointly administered)

**TENTH MONTHLY FEE STATEMENT OF THE LAW OFFICE
OF JOHN A. FIALCOWITZ, LLC FOR THE PERIOD OF
AUGUST 1, 2019 THROUGH AUGUST 31, 2019**

The Law Office of John A. Fialcowitz (“**Fialcowitz**”), local counsel for the Official Committee of Asbestos Claimants (the “**Committee**”), hereby submits this tenth monthly fee statement² for the period commencing August 1, 2019 through August 31, 2019 (the “**Tenth Fee Statement**”) pursuant to the *Administrative Fee Order Establishing Certain Procedures for Allowance of Interim Compensation and Reimbursement of Expenses of Professionals Retained by Order of this Court*, dated December 18, 2018 (Docket No. 345) (the “**Interim Compensation Order**”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are: Duro Dyne National Corp. (4664); Duro Dyne Machinery Corp. (9699); Duro Dyne Corporation (3616); Duro Dyne West Corp. (5943); and Duro Dyne Midwest Corp. (4662).

² Fialcowitz filed his *First Interim Fee Application of the Law Office of John A. Fialcowitz, LLC for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 in lieu of his first monthly fee statement (Docket No. 340).

Pursuant to the Interim Compensation Order, responses to the Tenth Fee Statement, if any, are due by October 4, 2019.

Dated: September 25, 2019

Respectfully submitted,

**THE LAW OFFICE OF
JOHN A. FIALCOWITZ, LLC**

By: /s/ John A. Fialcowitz
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*Local Counsel to the Office Committee of
Asbestos Claimants*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

D.N.J. LBR 2016-1, FEE APPLICATION COVER SHEET

Debtor: Duro Dyne National Corp., et al.¹ Applicant: The Law Office of John A. Fialcowitz, LLC

Case No.: 18-27963 (MBK) Client: Official Committee of Asbestos Claimants

Chapter: 11 Case Filed: September 7, 2018

COMPLETION AND SIGNING OF THIS FORM CONSTITUTES A CERTIFICATION
UNDER PENALTY OR PERJURY, PURSUANT TO 28 U.S.C. SECTION 1746

RETENTION ORDER (S) ATTACHED AS EXHIBIT B

**TENTH MONTHLY FEE STATEMENT² OF THE LAW OFFICE OF JOHN A.
FIALCOWITZ, LLC FOR THE PERIOD FROM
AUGUST 1, 2019 THROUGH AUGUST 31, 2019**

**SECTION 1
FEE SUMMARY**

	<u>FEES</u>	<u>EXPENSES</u>
TOTAL PREVIOUSLY REQUESTED	\$61,620.00	\$3,725.68
TOTAL ALLOWED TO DATE	\$51,317.50	\$2,970.36
TOTAL RETAINER (IF APPLICABLE)	N/A	N/A
TOTAL RECEIVED BY APPLICANT	\$55,168.00	\$3,502.95
FEE TOTALS – PAGE 2	\$5,297.50	
DISBURSEMENT TOTALS – PAGE 3		N/A
MINUS 20% HOLDBACK	\$1,059.50	
AMOUNT SOUGHT AT THIS TIME	\$4,238.00	

¹ The “Debtors” in these chapter 11 cases, along with the last four digits of each Debtor’s tax identification number, are Duro Dyne National Corp. (4664), Duro Dyne Machinery Corp. (9699), Duro Dyne Corporation (3616), Duro Dyne West Corp. (5943), and Duro Dyne Midwest Corp. (4662).

² Fialcowitz’s first monthly fee statement was also filed as an interim fee application under the title *First Interim Fee Application of The Law Office of John A. Fialcowitz, LLC for Allowance of Fees and Reimbursement of Expenses* on December 14, 2018 (Docket No. 340).

NAME OF PROFESSIONAL & TITLE	YEAR ADMITTED	HOURS	RATE	FEE
John A. Fialcowitz	1995	16.3	\$325.00	\$5,297.50
TOTAL FEES				\$5,297.50

**SECTION II
SUMMARY OF SERVICES**

SERVICES RENDERED	HOURS	FEE
Asset Analysis and Recovery		
Business Operations		
Case Administration		
Claims Administration and Objections		
Fee Applications – Self	3.5	\$1,137.50
Financing		
Litigation	9.3	\$3,022.50
Plan and Disclosure Statement		
Relief from Stay Proceedings		
Tax Issues		
Committee Meetings/Conferences		
Travel Time		
Docket Review & File Maintenance		
Fee Applications – Others	3.5	\$1,137.50
Retention Applications – Others		
Retention Applications – Self		
Review Fee Application – Other Parties		
SERVICE TOTALS:	16.3	\$5,297.50

**SECTION III
SUMMARY OF DISBURSEMENTS**

DISBURSEMENTS	AMOUNT
Computer Assisted Legal Research	
Conference Call Charges	
Courier & Express Carriers	
Court Reporting	
Fax	
Filing Fees	
Other Research	
Pacer Fees	
Postage	
Reproduction Services – In-house	
Reproduction Services – Outside	
Travel	
Other (specify):	
DISBURSEMENTS TOTALS:	

**SECTION IV
CASE HISTORY**

(NOTE: Items 3 – 6 are not applicable to applications under 11 U.S.C. § 506)

- (1) DATE CASE FILED: September 7, 2018
- (2) CHAPTER UNDER WHICH CASE WAS COMMENCED: 11
- (3) DATE OF RETENTION: November 8, 2018, effective as of September 27, 2018 [Docket No. 257]. See Order attached.
- (4) SUMMARIZE IN BRIEF THE BENEFITS TO THE ESTATE AND ATTACH SUPPLEMENTS AS NEEDED:
 - (a) LBR9010-b(4) states that “[o]nly local counsel, and not the attorney admitted *pro hac vice*, may file papers, enter appearances, and receive notices and service of papers.” Consistent with my obligations as the Committee’s local counsel, I reviewed and filed all of the Committee’s submissions during the Application Period.

- (b) Fialcowitz prepared and filed his ninth monthly fee statement, as well as his third interim application for compensation;
- (c) Fialcowitz assisted in the preparation, review and filing of the ninth monthly fee statements for other Committee professionals, as well as their third interim applications for compensation;
- (d) Fialcowitz prepared and filed a motion to admit James Wehner, Esq., Kevin Maclay, Esq. and Jeffrey A. Liesemer, Esq. *pro hac vice* to the District Court (Civ. A. No. 19-cv-15433); and
- (e) Fialcowitz performed other professional services as counsel for the Committee as necessary and appropriate in these chapter 11 cases.

(5) ANTICIPATED DISTRIBUTION TO CREDITORS:

- (A) ADMINISTRATION EXPENSES: (unknown at this time)
- (B) SECURED CREDITORS: (unknown at this time)
- (C) PRIORITY CREDITORS: (unknown at this time)
- (D) GENERAL UNSECURITED CREDITORS: (unknown at this time)

I certify under penalty of perjury that the above is true.

Dated: September 25, 2019

Respectfully submitted,

**THE LAW OFFICE OF JOHN A.
FIALCOWITZ, LLC**

By: /s/ John A. Fialcowitz
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EXHIBIT A

DURO DYNE NATIONAL CORP.

**Services and Disbursements Related to Serving as Local Counsel to the
Official Committee of Asbestos Claimants
August 1, 2019 through August 31, 2019**

<u>Description of Services</u>	<u>Time</u>	<u>Charge</u>
Review and filing of certification of no objection – Caplin & Drysdale (8/5/19)	.1	\$32.50
Review and respond to e-mail from W. Romero, courtroom deputy of Judge Kaplan (8/5/19)	.7	\$227.50
Preparation and filing of certification of no objection – Fialcowitz monthly fee statement (8/6/19)	.2	\$65.00
Preparation and filing of certification of no objection – Gilbert monthly fee statement (8/6/19)	.2	\$65.00
Preparation and filing of certification of no objection – Charter Oak monthly fee statement (8/6/19)	.2	\$65.00
Review e-mails from J. Liesemer and T. Freedman re: filing (8/7/19)	.1	\$32.50
Telephone conference with T. Freedman re: upcoming filing (8/9/19)	.3	\$97.50
Review Plan Proponents' Reply Brief (8/12/19)	2.8	\$910.00
Telephone conference with District Court Clerk's Office re: <i>pro hac vice</i> admission in new District Court matter (8/12/19)	.3	\$97.50
Preparation of motion to admit Caplin team members <i>pro hac vice</i> in new District Court matter (8/12/19 and other dates)	2.8	\$910.00

<u>Description of Services (continued)</u>	<u>Time</u>	<u>Charge</u>
Review proposed form of Order for compliance with local rules (8/13/19)	.4	\$130.00
Draft correspondence to Judge Shipp re: courtesy copy of <i>pro hac vice</i> motion (8/13/19)	.2	\$65.00
Review various court notifications and filings in District Court confirmation matter (8/14/19)	.3	\$97.50
Preparation and filing of certification of service (8/14/19)	.2	\$65.00
Review District Court text order; update Caplin team (8/16/19)	.1	\$32.50
Preparation of monthly fee statement (ninth) (8/25/19)	1.4	\$455.00
Review and file Gilbert's ninth monthly fee statement (8/25/19)	.3	\$97.50
Review and file Caplin & Drysdale's ninth monthly fee statement (8/25/19)	.3	\$97.50
Review and file Charter Oak's ninth monthly fee statement (8/25/19)	.3	\$97.50
Draft e-mail to Peggy at Gilbert re: third interim fee application (8/25/19)	.1	\$32.50
Preparation of third interim fee application (8/25/19)	2.1	\$682.50
Review and file Caplin third interim fee application (8/27/19)	.6	\$195.00
Review North River Reply Brief (8/27/19)	.4	\$130.00
Review and file Charter Oak third interim fee application (8/27/19)	.4	\$130.00

<u>Description of Services (continued)</u>	<u>Time</u>	<u>Charge</u>
Preparation and filing of certification of service (8/27/19)	.2	\$65.00
Review North River opposition brief; update Caplin team (8/27/19)	.2	\$65.00
Review and file Gilbert third interim fee application (8/29/19)	.6	\$195.00
Prepare and file certification of service (8/29/19)	.2	\$65.00
Review and comment on draft motion to strike (8/30/19)	<u>.3</u>	<u>\$97.50</u>
	16.3	\$5,297.50
Total amount due this invoice		\$5,297.50

EXHIBIT B

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

**THE LAW OFFICE OF
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*Proposed Co-Counsel for the
Official Committee of Asbestos Claimants*

In re:

Duro Dyne National Corp., *et al.* ¹



Order Filed on November 8, 2018
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Chapter 11

Case No. 18-27963 (MBK)

Jointly Administered

**ORDER AUTHORIZING THE EMPLOYMENT AND RETENTION OF THE LAW
OFFICE OF JOHN A. FIALCOWITZ, LLC AS CO-COUNSEL TO
THE OFFICIAL COMMITTEE OF ASBESTOS CLAIMANTS**

The relief set forth on the following pages, numbered two (2) through three (3), is hereby
ORDERED.

DATED: November 8, 2018


Honorable Michael B. Kaplan
United States Bankruptcy Judge

Debtor: Duro Dyne National Corp., et al., *et al.*

Case No.: 18-27963 (MBK)

Caption: Order Authorizing the Employment and Retention of John A. Fialcowitz, LLC as Co-Counsel to the Official Committee of Asbestos Claimants

Upon consideration of the application (the "Application") of the Official Committee of Asbestos Claimants (the "Committee") for entry of an order authorizing the employment and retention of the Law Office of John A. Fialcowitz, LLC ("Fialcowitz") as co-counsel to the Committee, effective as of the Petition Date (September 7, 2018), and upon consideration of the Fialcowitz Declaration submitted in support of the Application; and the Court being satisfied, based on representations made in the Application that (i) Fialcowitz does not represent any person or entity having an interest adverse to the Committee or to the asbestos-related creditors of the Debtors' estates in connection with the matters for which the Committee proposes to employ Fialcowitz, (ii) Fialcowitz is a "disinterested person" pursuant to sections 101(14) and 328(c) of the Bankruptcy Code, (iii) proper and adequate notice of the Application has been given and no other or further notice is necessary, and (iv) Fialcowitz's employment is necessary and in the best interest of the Committee; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334 and the *Standing Order of Reference to the Bankruptcy Court Under Title 11* of the United States District Court for the District of New Jersey dated September 18, 2012 (Simandle, C.J.);

IT IS HEREBY ORDERED THAT:

1. The Application is **GRANTED** as set forth herein.
2. The Committee is authorized to employ and retain Fialcowitz, effective as of the Petition Date, to serve as co-counsel to the Committee in these Chapter 11 cases.
3. Fialcowitz shall be compensated in accordance with sections 330 and 331 of the Bankruptcy Code, the applicable provisions of the Bankruptcy Rules, the Local Rules, and any

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Debtor: Duro Dyne National Corp., et al., *et al.*

Case No.: 18-27963 (MBK)

Caption: Order Authorizing the Employment and Retention of John A. Fialcowitz, LLC as Co-Counsel to the Official Committee of Asbestos Claimants

order entered in this case governing professional compensation and reimbursement for services rendered and charges and disbursements incurred.

4. The requirement set forth in Local Rule 9013-1(a)(3) that any motion or other request for relief be accompanied by a memorandum of law is hereby deemed satisfied by the contents of the Application or is otherwise waived.

5. The Committee is authorized to take all actions necessary to effectuate the relief granted pursuant to this Order.

6. This Court shall retain exclusive jurisdiction to hear and decide any and all disputes related to or arising from the implementation, interpretation and enforcement of the Order.